

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

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DESOTO COUNTY, MS
M.E. DAVIS - CH CLERK

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

vs.

CIVIL ACTION NO. CO2010-2349CD

ROBERT J. RUFF ESTATE, C/O ROBERT J. RUFF, JR. EXECUTOR
CHRISTOPHER L. WARREN, SUSAN M. WARREN,
JASON C. TUTOR, DANA M. TUTOR,
FIRST SOUTH CREDIT UNION, CATHY STONE, TRUSTEE
ASSOCIATES HOME EQUITY SERVICES, INC.,
MARSHA FOGLE, TRUSTEE, FORD CONSUMER FINANCE
COMPANY, INC., CHARLES R. CUNNINGHAM, TRUSTEE,
REGIONS BANK (FORMERLY UNION PLANTERS BANK)
AND BILL R. MCLAUGHLIN, TRUSTEE

DEFENDANTS

STATE OF MISS., DESOTO COUNTY
CERTIFIED A TRUE COPY

FEB 15 2011

DALE K. THOMPSON, CIRCUIT CLERK
BY apulle D.C.

JUDGMENT

In this case the claim of the Mississippi Transportation Commission to have compensation for certain lands named in the Complaint and the Amended Complaint for Special Court of Eminent Domain, which is described in Exhibit "A" attached hereto and made a part hereof, being the property of Robert J. Ruff Estate, was submitted to a jury composed of:

Christie L. Jackson Oliver

Shelia E. Kizer

Jennifer Douglas

Robert L. Fletcher

Charles O. Miller

Patricia Mills Dickey

Linda Marie Gray

Bridget Rose

John M. Pappas

J.C. McKnall

Christy Michelle Holder

Richard Alex Starker

FILED

FEB 15 2012

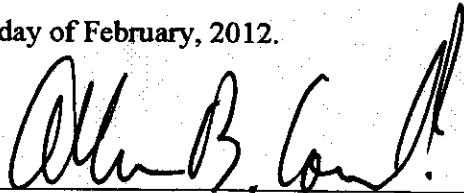
DALE K. THOMPSON, CIRCUIT CLERK
DESOTO COUNTY, MISSISSIPPI
MINUTE BOOK _____ PAGE _____

on the 10th day of February, 2012, and the jury returned a verdict fixing said Defendant's total compensation and damages at \$160,585.00 and the verdict was received and entered. The

*Return to: Holloman Raney, P.O. Box 1480
Oxford, MS 38655*


Mississippi Transportation Commission previously acquired immediate title and possession of the condemned property by Order Granting Petitioner Right of Immediate Title and Possession dated December 10, 2010 and filed with the Circuit Clerk on that date and in the Office of the Chancery Clerk of DeSoto County, Mississippi in Book 648, Page 276, after which the sum of \$172,550.00 was deposited by the Plaintiff with the Clerk of said Court on December 22, 2010. The defendant withdrew \$172,550.00 by check from the Circuit Clerk dated December 29, 2010. The Mississippi Transportation Commission is allowed credit for said sum against the Judgment rendered in this cause plus interest on this Judgment from October 22, 2010 to December 22, 2010. Ownership of said property shall be vested in Plaintiff and it may be appropriated to the public use as prayed for in the Complaint. This Judgment has been satisfied by payment in full on December 29, 2010. Let the Plaintiff pay the costs for which execution may issue.

ORDERED AND ADJUDGED, this the 15th day of February, 2012.



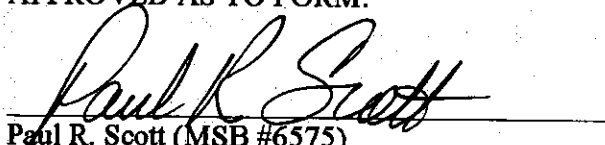
Judge, Special Court of Eminent Domain

PREPARED BY:



Hollaman M. Raney (MSB #4628)
 Attorney for Plaintiff
 Mississippi Transportation Commission
 P.O. Box 1480
 Oxford, MS 38655
 Office: (662) 236-4001
 Fax: (662) 236-4939

APPROVED AS TO FORM:

A handwritten signature in cursive script, reading "Paul R. Scott", is written over a horizontal line.

Paul R. Scott (MSB #6575)

Attorney for Defendants

Robert J. Ruff Estate

Smith, Phillips, Mitchell, Scott & Nowak, LLP

P. O. Box 346, 2545 Caffey Street

Hernando, MS 38632

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Fax: (662) 429-0107

066-1-00-W; 066-1-00-T; 066-0-00-Q; 066-0-01-Q

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. CD2010-2349CD

ROBERT J. RUFF, ET UX DORIS E. RUFF, ET AL

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: SE 1/4 of the NE 1/4 of Section 32, T-2-S, R-6-W, Desoto County, Mississippi. Lot 5B of the ROBERT RUFF SUBDIVISION, in *Plat Book 28, Page 47.*

The following descriptions are based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of .999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way as defined by said project.

RIGHT OF WAY**PARCEL 1**

Commencing at a 1/2 inch rebar set at the northeast corner of the ROBERT RUFF SUBDIVISION, (found in Plat Book 28, Page 47), a subdivision of record in Desoto County, Mississippi, said rebar having a value of N 1954357.23, E 2442146.26 on the above referenced coordinate system; thence run along the north line of ROBERT RUFF SUBDIVISION, South 89 degrees 53 minutes 22 seconds West a distance of 25.63 feet to a 1/2 inch rebar set on the west line the Ross Road right of way as described in that deed to Desoto County, found in Book 140, Page 722, being Point of Beginning of the herein described parcel:

- From said Point of Beginning run along a line 40 feet west of and parallel to the centerline of Ross Road, South 00 degrees 05 minutes 58 seconds West a distance of 56.96 feet to a 1/2 inch rebar set at the north boundary of a "No Access" designed area, said rebar hereby designated as POINT "B" for future reference;
- Thence continue along line 40 feet west of and parallel to the centerline of Ross Road, South 00 degrees 05 minutes 58 seconds West a distance of 243.04 feet to a 1/2 inch rebar set on the south line of ROBERT RUFF SUBDIVISION;
- Thence run along the south line of said ROBERT RUFF SUBDIVISION, South 89 degrees 53 minutes 22 seconds West a distance of 353.55 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project;
- Thence run along the proposed right of way line, North 24 degrees 08 minutes 54 seconds East a distance of 249.01 feet to 3/4 inch rebar found at a point 140.00 feet left of the centerline of the Ross Road realignment at station 24+90, said point having a value of N 1954283.72, E 2441868.43 on the above referenced coordinate system;

- Thence run along the proposed right of way line, North 07 degrees 00 minutes 40 seconds East a distance of 36.74 feet, to a 1/2 inch rebar set on the north boundary of the "No Access" designed area, said point being designated as POINT "C" for future reference and located 138.24 feet left of the Ross Road Realignment at station 25+25;
- Thence run along the proposed right of way line, North 07 degrees 00 minutes 40 seconds East a distance of 36.80 feet, to a 1/2 inch rebar set at its intersection with the Defendants' north property line;
- Thence run along said property line, North 89 degrees 53 minutes 22 seconds East a distance of 243.22 feet to the **Point of Beginning**, containing 1.99 acres, more or less, and situated in the Southeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi and being a part of Lot 5B of the Robert Subdivision referenced above.

Together with any and all abutters rights of access, if any, in, to, over, on and across the lands as described above, **EXCEPT** for that part lying north of a line running between POINT "B" and POINT "C" referenced above.

PARCEL 2

The following parcel of land, originally conveyed to Desoto County for the Ross Road right of way, in that certain deed found in Book 140, Page 722, (recorded in 1979), was later approved as a portion of Lot B, of the ROBERT RUFF SUBDIVISION, by the Desoto County Board of Supervisors as found in Plat Book 28, Page 47 (recorded in 1987).

Beginning at a 1/2 inch rebar set at the northeast corner of the ROBERT RUFF SUBDIVISION, (found in Plat Book 28, Page 47), a subdivision of record in Desoto County, Mississippi, said rebar having a value of N 1954357.23, E 2442146.26 on the above referenced coordinate system; thence run along the north line of ROBERT RUFF SUBDIVISION, South 89 degrees 53 minutes 22 seconds West a distance of 25.63 feet to a 1/2 inch rebar set on the west line the parcel conveyed to Desoto County for the Ross Road right of way, as described in that deed found in Book 140, Page 722; thence run along the west right of way line of Ross Road, South 00 degrees 05 minutes 58 seconds West a distance of 56.96 feet to a 1/2 inch rebar set at the north boundary of a "No Access" designed area; thence continue along the west right of way line of Ross Road, South 00 degrees 05 minutes 58 seconds West a distance of 243.04 feet to a 1/2 inch rebar set on the south line of ROBERT RUFF SUBDIVISION; thence run along the south line of said ROBERT RUFF SUBDIVISION, North 89 degrees 53 minutes 22 seconds East a distance of 26.46 feet to the southeast corner of Lot 5B of the Robert Ruff Subdivision; thence run along the east line of Lot 5B of the Robert Ruff Subdivision North 00 degrees 03 minutes 33 seconds West a distance of 300.00 feet to the **Point of Beginning**, containing 0.18 acres, more or less, and situated in the Southeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi, and being a part of Lot 5B of the Robert Subdivision referenced above.

Together with any and all abutters rights of access, if any, in, to, over, on and across the lands as described above, **EXCEPT** for northern 56.96 feet thereof.

TEMPORARY EASEMENT

And an easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement is hereby designated as Parcel 3.

PARCEL 3

Commencing at a 1/2 inch rebar set at the northeast corner of the ROBERT RUFF SUBDIVISION, (found in Plat Book 28, Page 47), a subdivision of record in Desoto County, Mississippi, said rebar having a value of N 1954357.23, E 2442146.26 on the above referenced coordinate system; thence run along the north line of ROBERT RUFF SUBDIVISION, South 89 degrees 53 minutes 22 seconds West a distance of 25.63 feet to a 1/2 inch rebar set at the northwest corner of that certain parcel conveyed to Desoto County, for the purpose of Ross Road right of way, as found in Book 140, Page 722; thence run along the north line of the Defendants' property (the north line of ROBERT RUFF SUBDIVISION), South 89 degrees 53 minutes 22 seconds West a distance of 243.22 feet a 1/2 inch rebar set at its intersection with the west right of way line of the above referenced project and the **Point of Beginning** of the herein described easement:

From said **Point of Beginning** run along the proposed right of way line South 07 degrees 00 minutes 40 seconds West a distance of 73.54 feet to a 3/4 inch rebar found 140 feet left of the centerline of the Ross Road realignment at station 24+90, said point having a value of N 1954283.72, E 2441868.43 on the above referenced coordinate system;

Thence run North 86 degrees 05 minutes 20 seconds West a distance of 50.00 feet to a 1/2 inch rebar set 190 feet left of the centerline of the Ross Road realignment at station 24+90;

Thence run North 04 degrees 36 minutes 40 seconds East a distance of 69.70 feet to a 1/2 inch rebar set on the north line of Defendants' property;

Thence run along the north line of Defendants' property, North 89 degrees 53 minutes 22 seconds East a distance of 53.26 feet to the **Point of Beginning**, containing 0.08 acres (3686 square feet), more or less, and situated in the Southeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi and being a part of Lot 5B of the Robert Ruff Subdivision referenced above.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.